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STATE PM/ISO  
STATE WHA/AND FOR SHELBY SMITH-WILSON  
STATE L/PM FOR THOMAS HEROLD  
DOD HD/WHA FOR WALTER EARLE

E.O. 12958: N/A

TAGS: KTIA MARR MOPS PM PREL BL

SUBJECT: 2008 AGREEMENT WITH BOLIVIA ON STATUS OF FORCES

REF: A. 06 STATE 169017

- IB. LA PAZ 769
- IC. LA PAZ 1032
- ID. LA PAZ 1083
- IE. LA PAZ 1906
- IF. STATE 92427

11. This is an action request for WHA/AND, L/PM, and PM/ISO.  
See Paragraph 5.

12. Background: DOD has asked the State Department to secure status protections for U.S. military personnel who will be present in Bolivia during 2008. DOD has requested Post immediately propose to the Government of Bolivia an exchange of diplomatic notes for this purpose, as has been historic practice. An exchange of diplomatic notes was conducted in July of 2007 with Government of Bolivia establishing norms and understandings for military exercises, exchanges, and other mutually-agreed U.S. military programs and activities in Bolivia. Due to changes in the text that had to be approved by both Bolivia and the U.S., the 2007 agreement came almost eight months into 2007. Considering the extensive negotiations and legal review involved with the 2007 diplomatic note, approved just over three months ago, Post is hoping to avoid such a delay for the 2008 exchange of diplomatic notes. An agreement is needed before 2008, in order to ensure that a Military Group medical assistance exercise can go forward as planned in February. According to Embassy Military Group Commander, U.S. Southern Command and OSD have already reviewed the 2007 diplomatic note text and approved it as of November 13, 2007, for presentation to the Bolivian Government.

13. Embassy Military Group suggests changing paragraph seven be changed from "perform their assigned medical duties" to "perform their assigned duties." Military Group activities encompass a wide variety of operations beyond medical operations to include disaster relief, human rights training, counter-narcotics training, and engineering projects. MILGP Commander has received preliminary assurances that Bolivian Ministry of Defense attorneys will not/not object to taking out the qualifier "medical," which ensures broad coverage to all military personnel involved in bilaterally approved operations and prevents potential abuse or misapplication of paragraph seven. This is the only change in the text from the July, 2007 approved text, as reflected in paragraph 5.

14. Reftels contain (1) DOD's request that the Department (through Embassy La Paz) negotiate a status of forces agreement (SOFA) for 2007 with the Government of the Republic

of Bolivia (GOB), (2) the discussions that ensued between post and GOB to that end, and (3) the draft and final 2007 versions of the agreement reached to extend the yearly diplomatic note that serves as a SOFA notes. Embassy POC is Joe Reek (011-591-2-216-8171 relktj@state.gov).

**15.** Action Request: To review the text of the following diplomatic note, approved by both the U.S. and Bolivian governments in July, 2007 (with exception noted in paragraph 3). In light of pending 2008 operations, Post appreciates expedited attention to review the 2007 text. Post wishes to approach the Bolivian Government with a U.S.-approved text as soon as possible. Please coordinate cable response with Shelby Smith-Wilson, WHA/AND (202-647-4193; smith-wilsonsv@state.gov). End Action Request.

**16.** Begin Diplomatic Note Text:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia and has the honor to refer to the Diplomatic Note of the Embassy of the United States of America dated February 4, 1997, and to the Diplomatic Note number SNIC-SPEX-DAE-51/97-18264 of the Ministry of Foreign Affairs and Worship, dated February 13, 1997, that established an agreement between the Government of the United States of America and the Government of the Republic of Bolivia concerning the entry into and activities within the Republic of Bolivia of civilian and military personnel of the United States Department of Defense to implement technical, scientific and humanitarian assistance cooperation projects being carried out under the auspices of the United States Armed Forces.

On the basis of the ensuing consultations between representatives of the Ministry of Foreign Affairs and Worship and representatives of this Embassy and in conformance with the existing legal norms of both our countries, the Embassy of the United States of America has the honor to propose to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia that we continue the agreement through calendar year 2008, using the original text, amended as follows:

-1. The technical, scientific and humanitarian assistance cooperation of the United States of America involves the temporary presence in Bolivia of United States military personnel and Department of Defense (DoD) civilian employees and the use of necessary equipment in development projects that are useful and participatory for the populace through activities such as civil construction, public services, health service assistance, education, and combined military technical assistance.

-2. Once projects and/or annual programs are developed by the counterparts representing each Party, both Governments commit to provide to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia and the Department of State of the United States of America, in a timely manner and through diplomatic channels, the annual schedule of activities and a report of the temporary personnel assigned to these projects.

-3. Both Governments agree that the United States military personnel and DOD civilian employees assigned to technical, scientific and humanitarian assistance cooperation will be granted, while the corresponding project continues, a status and treatment equivalent to that provided to administrative and technical personnel of the Embassy of the United States of America accredited to the Republic of Bolivia in accordance with the April 18, 1961, Vienna Convention on Diplomatic Relations, within the standard framework in effect in Bolivia.

-4. The Government of Bolivia will permit the temporary entry of necessary equipment and supplies for official use for technical, scientific and humanitarian assistance cooperation under the system of temporary entry, upon

presentation of a letter of guarantee from the Embassy of the United States of America in Bolivia, in accordance with the existing legal framework. Equipment and supplies that enter the country as donations will be granted entry as established in the regulations for tax exemptions.

-5. Both Governments agree that the United States military personnel and DoD civilian employees assigned to projects of technical, scientific and humanitarian assistance cooperation who enter Bolivia should have appropriate documentation issued by authorities of the United States of America and a temporary permit for their stay that will be provided by Bolivian diplomatic and consular mission or by appropriate authorities at the time of entry into Bolivian territory, which should be recovered upon the end of the project and departure of such personnel.

-6. The Government of Bolivia and the Government of the United States of America reciprocally will waive any and all claims against one another for property damages related to the equipment and material used for development projects in connection with this assistance.

-7. The Government of Bolivia agrees that the United States military personnel and DOD civilian employees in Bolivia in connection with the activities under this agreement may perform their assigned duties in the course of their official duties without further authorization.

-8. This agreement will be valid through calendar year 2008 and may be renewed upon the mutual agreement of the two governments.

If the Government of the Republic of Bolivia is in agreement with the above proposal, the Embassy of the United States of America proposes that this note, together with the Ministry's response, constitute an agreement between our two governments, which will enter into force on the date of the response of the Government of the Republic of Bolivia. Any differences regarding the interpretation or application of the above proposed agreement will be resolved by consultation between our two Governments.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia the assurances of its highest consideration.

To the Honorable  
Ministry of Foreign Affairs and Worship  
of the Republic of Bolivia,  
La Paz.

End Diplomatic Note Text.  
GOLDBERG